Remarks

The present remarks are in response to the Office Action dated August 24, 2005 in which the Examiner rejected claims 1-8, 10, 13-20, 25-28, 30, 33, 34, 36, and 39-42. The Applicant has amended claims 1,13-14,18-19,25,33,39-42 and cancelled claims 7 and 22. The Applicant respectfully responds to the Examiner's Detailed Action and requests the Examiner place all claims detailed in the application in a state of allowance.

A.   Withdrawal of Finality of Rejection

In the Office Action dated August 24, 2005, the Examiner *finally rejected* claims 1-8, 10, 13-20, 25-28, 30, 33, 34, 36, and 39-42. If an Applicant files a Request for Continued Examination in a timely manner as set forth in 37 CFR 1.17(e) with a submission, the Office will withdraw the finality of any Office Action to which a reply is outstanding and the submission will be entered and considered. See 37 CFR 1.114(d)

The applicant herein submits the required fee, and provides a good-faith attempt to reply to the final action. Thus, the Applicant requests that the Examiner withdraw the finality of the Office Action dated August 24, 2005 regarding the above referenced patent application.

B.   Rejection of Claims Under 35 USC § 103

Claims 1, 4-6, 8, 13, 16-20, 25-28, 33-34, and 39-42 have been rejected by the Examiner under 35 USC § 103(a) as being unpatentable over US Patent 5,743,815 , issued to Helderman (hereinafter referred to as "Helderman"), in view of US Patent 5,102,140, issued to Vincent (hereinafter referred to as "Vincent"). The Applicant disagrees and reserves the right to make arguments at a later time; however, in order to expedite the prosecution of this patent application, Applicant has amended claims 1, 13-14, 18-19, 22 ,25, 33, 39-42 as described below.

In regards to independent claim 1, Helderman in view of Vincent fails to teach or suggest all the claim limitations of a player-funded ball-based gaming system directed to progressive gaming methods. More specifically, both Helderman and Vincent fail to teach, *inter alia*, a cashier station that is in communication with a plurality of servers while providing the functionality of accessing and processing a plurality of paying actions comprising ball purchases, tee fees, and payouts of the specified games. Additionally, Helderman over Vincent fails to teach the plurality of servers comprising, *inter alia*, a site server and a WWW server. Furthermore, the Examiner has misinterpreted the text of Helderman in regards to more than one RFID reader per target. More specifically, the balls "travel down the flagged area and enter a cup at one of the individual flags. Preferably, remote readers such as readers 70 and 74 (only two readers being designated herein) are located at each of the individual flag cups." (Helderman Col 4, Lines 60-63). This clearly states, when viewing the notations

in FIG 4, that these two RFID readers are in separate and noncontiguous targets. Further still, Vincent fails to teach anything more than an activation fee for a ball tracking system in regards to wagering. More specifically, Helderman over Vincent fails to teach a player-funded progressive system that determines and distributes winnings from a pool to a plurality of players comprising differing bet amounts for a game configured to be player-funded by pooling a portion of bet amounts collected as part of enabling RFID-equipped balls for game play.

Claims 4-6, 8, and 39 are dependent claims of independent claim 1, which has been amended to include a plurality of servers comprising, *inter alia*, a site server and a www server, as well as a cashier station. Since Helderman over Vincent fails to teach the limitations of independent claim 1 that claims 4-6, 8, and 39 depend on, Applicant respectfully submits that claims 4-6, 8, and 39 overcome the obviousness rejection.

Regarding independent claim 13, Helderman over Vincent fails to teach or suggest all the claim limitations of a method of using a ball range system as described by the Applicant. More specifically, Helderman over Vincent fails to teach, *inter alia*, a plurality of servers comprising at least one server with a database in communication with a cashier station configured to access and process a plurality of paying actions. Notably, the paying actions comprise ball purchases, tee fees, and payouts of at least one game. Additionally, Helderman over Vincent fails to teach the game being a progressive system that is player-funded by pooling a portion of the funds collected as part of enabling RFID equipped balls for game play. Furthermore, Helderman over Vincent fails to

teach a multiplicity of movable targets having one or more ball receptacles attached thereto. Further still, Helderman over Vincent fails to teach, *inter alia*, a ball ID comprising a RFID and Global Positioning System (GPS) information.

Claims 16-20 and 40 are dependent claims of independent claim 13, which has been amended to include a plurality of servers comprising, *inter alia*, a site server and a www server, as well as a cashier station, the usage of GPS technologies in ball identification, and a moveable target having multiple ball receptacles. Since Helderman over Vincent fails to teach the limitations of independent claim 13 that claims 16-20 and 40 depend on, Applicant respectfully submits that claims 16-20 and 40 overcome the obviousness rejection.

Independent claim 25 is inconsistent with the teachings of Helderman over Vincent and fails to teach or suggest all the claim limitations of a method of wagering using a ball range comprising, *inter alia*, a player-funded progressive system that determines and distributes winnings from a pool to a plurality of players. More specifically, Helderman is not directed to gambling, nor is Vincent; however, both Helderman and Vincent, when combined, fail to teach, *inter alia*, the progressive system that allows for differing betting amounts and a player-funded pool that grows resultant from a percentage of bets taken. Notably, Vincent teaches a "video camera 28 [that] is operated during a predetermined time period after receipt of a specified coin value within the coin-operated receptacle and control unit 33." (Vincent Col 4, Lines 40-44) which is vastly differing from the progressive gaming method described in the currently amended claims. Additionally, Helderman over Vincent fails to teach or suggest

a server in communication with a cashier station configured to access and process a plurality of paying actions such as ball purchases, tee fees, and payouts of the game. Furthermore, Helderman over Vincent fails to teach a moveable target having at least one ball receptacle, which reads on the target being optionally configured to have more than one ball receptacle per target, as described in FIG. 2 of the original Patent Application.

Claims 26-28 and 41 are dependent claims of independent claim 25, which has been amended to include, *inter* alia, a progressive gaming method comprising a player funded pool, and a server in communication with a cashier station configured to access and process paying actions such as ball purchases, tee fees, and payouts of the progressive game. Since Helderman over Vincent fails to teach the limitations of independent claim 25 that claims 16-20 and 41 depend on, Applicant respectfully submits that claims 26-28 and 41 overcome the obviousness rejection.

Independent claim 33 is inconsistent with the teachings of Helderman over Vincent because Helderman in view of Vincent fails to teach or suggest all the claim limitations of a method of creating enhanced player interest in a ball range through progressive gaming methods. More specifically, both Helderman and Vincent fail to teach, *inter alia*, communicating a plurality of data that is utilized to provide the functionality of accessing and processing a plurality of paying actions comprising ball purchases, tee fees, and payouts of the specified games to a cashier station from a server. Additionally, Helderman over Vincent fails to teach a moveable target having at least one ball receptacle attached thereto,

which lends itself to a multiplicity of receptacles per target. More specifically, the balls "travel down the flagged area and enter a cup at one of the individual flags. Preferably, remote readers such as readers 70 and 74 (only two readers being designated herein) are located at each of the individual flag cups." (Helderman Col 4, Lines 60-63). This clearly states, in view of the referenced notations in FIG 4 of Helderman, that the two RFID readers in question are in separate and noncontiguous targets and, thus, not motivating or suggesting the placement of. multiple receptacles and corresponding RFID readers per target. Furthermore, Helderman over Vincent fails to teach or suggest configuring a player-funded progressive system that determines and distributes winnings from a pool to a plurality of players comprising differing bet amounts for a game configured to be player-funded by pooling a portion of bet amounts collected as part of enabling RFID-equipped balls for game play.

Claims 34 and 42 are dependent claims of independent claim 33, which has been amended to include a method comprising a player funded pool, and a moveable target having at least one receptacle. The method further comprising a server in communication with a cashier station configured to access and process paying actions such as ball purchases, tee fees, and payouts of the progressive game. Additionally, regarding claims 39-42, the "side by side" method, as described by Vincent does not lend itself to be integrated into one system and are inherently configured to be isolated. Furthermore, since Helderman over Vincent fails to teach the limitations of independent claim 33 that

claims 34 and 42 depend on, Applicant respectfully submits that claims 34 and 42 overcome the obviousness rejection.

Claims 10, 14, 15, 20, 22, 30, and 36 have been rejected by the Examiner Helderman in view Vincent in further view of US Patent 5,513,841 (hereinafter referred to as "Takagi"). The Applicant disagrees and reserves the right to make arguments at a later time; however, in order to expedite the prosecution of this patent application, Applicant has amended claim 10 and cancelled claim 22.

Claim 10 has been amended to reflect the limitation of a mobile target having at least one target reader/transmitter, which lends itself to a multiplicity of target reader/transmitters per target. Additionally, claim 10 is a dependent claim of independent claim 1, which has been amended to include a plurality of servers comprising, *inter alia*, a site server and a www server, as well as a cashier station. Since Helderman over Vincent fails to teach the limitations of independent claim 1 that claim 10 depends on, Applicant respectfully submits that claim 10 overcomes the obviousness rejection.

Claims 14, 15, and 20 are dependent claims of independent claim 13, which has been amended to include a plurality of servers comprising, *inter alia*, a site server and a www server, as well as a cashier station, the usage of GPS technologies in ball identification, and a moveable target having multiple ball receptacles. Since Helderman over Vincent fails to teach the limitations of independent claim 13 that claims 14, 15, and 20 depend on, Applicant respectfully submits that claims 14, 15 and 20 overcome the obviousness rejection.

Claim 30 is a dependent claim of independent claim 25, which has been amended to include, *inter* alia, a progressive gaming method comprising a player funded pool, and a server in communication with a cashier station configured to access and process paying actions such as ball purchases, tee fees, and payouts of the progressive game. Since Helderman over Vincent fails to teach the limitations of independent claim 25 that claim 30 depends on, Applicant respectfully submits that claim 30 overcomes the obviousness rejection.

Claim 36 is a dependent claim of independent claim 33, which has been amended to include a method comprising a player-funded pool, and a moveable target having at least one receptacle. The method further comprises a server in communication with a cashier station configured to access and process paying actions such as ball purchases, tee fees, and payouts of the progressive game. Since Helderman over Vincent fails to teach the limitations of independent claim 33 that claim 36 depends on, Applicant respectfully submits that claim 36 overcomes the obviousness rejection.

Since claim 1 overcomes the obviousness rejection, the Applicant respectfully requests the corresponding dependent claims 2-6, 8, 10, and 39 be placed in a state of allowance. Additionally, since claim 13 overcomes the obviousness rejection, the Applicant respectfully requests the corresponding dependent claims 14-20, and 40 be placed in a state of allowance. Correspondingly, since claim 25 overcomes the obviousness rejection, the Applicant respectfully requests the corresponding dependent claims 26-28, 30, and 41 be placed in a state of allowance. Lastly, since claim 33 overcomes the

obviousness rejection, the Applicant respectfully requests the corresponding

dependent 34, 36, and 42 be placed in a state of allowance.

C.   Conclusion

For all the forgoing reasons, withdrawal of the finality of the rejection of the present Office Action and allowance of claims 1-8, 10, 13-20, 25-28, 30, 33, 34, 36, and 39-42 is respectfully requested.

Respectfully Submitted;

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